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Paper No. 10

In re Application of :
Jose R. Gonzalez-Martin *et al* : DECISION ON PETITION
Application No. 09/517,714 :
Filed: March 2, 2000 :
Attorney Docket No. 29131.2241 :

This is a decision on the petition filed on July 30, 2002 by which petitioners request withdrawal of the holding that this application stands abandoned for failure to timely file a proper reply to the Office letter mailed on October 11, 2001. The petition is considered under 37 CFR 1.181 and no fee is required.

The petition is granted.

Petitioners allege that a timely reply to the Office letter in question was in fact filed. Petitioners support this allegation by including a copy of the reply, and a copy of a filing receipt for the reply which shows that the reply was received in the Office on January 28, 2002. In addition, the reply has a 37 CFR 1.8(a) certificate of mailing affixed thereto that is dated January 2, 2002. In view of this evidence, it is clear that the application is not abandoned.

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the examiner for action on the reply filed on January 28, 2002, certificate of mailing date January 2, 2002.

PETITION GRANTED.

E. Rollins-Cross, Director, Patent
Examining Groups 3710 and 3720

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